

1 THE HONORABLE RICHARD A. JONES  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 JOSHUA TRAVIS SMITH

12 Plaintiff,

13 v.

14 CITY OF BELLINGHAM, *et al.*,

15 Defendants.

16 No. 2:18-CV-01828-RAJ

17 **ORDER DENYING PLAINTIFF'S  
18 MOTION FOR EXTENSION OF TIME**

19 This matter comes before the Court on Plaintiff's motion for a 30-day extension of  
20 time to disclose and submit an expert report. Dkt. # 25. The Court finds that Plaintiff has  
21 not shown "good cause" to modify the case schedule. Fed. R. Civ. P. 16(b).

22 Once a district court files a pretrial scheduling order pursuant to Federal Rule of  
23 Civil Procedure 16, "that rule's standards control[ ]." *Johnson v. Mammoth Recreations*,  
24 Inc., 975 F.2d 604, 607-608 (9th Cir. 1992). As Rule 16(b)(4) explains: "A schedule may  
25 be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4).  
26 To show "good cause" a party must show that they could not meet the deadline imposed  
27 by the scheduling order despite its diligence. *Johnson*, at 609.

28 Here, there is no evidence that Plaintiff diligently attempted to comply with the  
29 expert disclosures deadline. Plaintiff has known of the deadline for filing expert  
30 disclosures since July 17, 2019. Dkt. # 24. Plaintiff's strategic decision not to obtain a

1 liability expert pending the outcome of mediation does not justify an extension. Dkt. #  
2 25 at 1. If Plaintiff intended to delay in identifying a liability expert until after mediation  
3 was complete, he could have requested an extension of the deadline prior to mediation,  
4 rather than noting the motion for a date after the deadline had already passed. *See* LCR  
5 7(j) (“A motion for relief from a deadline should, whenever possible, be filed sufficiently  
6 in advance of the deadline to allow the court to rule on the motion prior to the  
7 deadline.”).

8 Because Plaintiff has failed to show “good cause” meriting a modification of the  
9 case schedule, Plaintiff’s motion for an extension of time is **DENIED**.

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11 Dated this 22nd day of January, 2020.

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15 The Honorable Richard A. Jones  
16 United States District Judge  
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